

REMARKS BY CONGRESSMAN ERNEST ISTOOK**June 30, 2005**

Good morning; thank you for coming. I'm Congressman Ernest Istook from Oklahoma. On behalf of over 100 Members of Congress, I'm here to announce that today we are filing the Religious Freedom Amendment, a constitutional amendment that will reverse this week's Supreme Court ruling against the Ten Commandments, and also correct a series of similar rulings that we believe are wrong.

Many justices have correctly interpreted the First Amendment to our Constitution. We stand with those justices. Unfortunately, they have been slightly outnumbered by justices who we believe do not understand or apply the First Amendment correctly. That is why so many cases have swung the wrong way by 5-4 margins. We would be raising our families in a very different environment if there had been just a one-vote difference in so many court cases. I emphasize this because critics of our efforts try to claim that what we propose is radical. But in fact it represents the viewpoints of many Supreme Court justices, and the mainstream of the American public.

We wish we didn't have to be here, because we respect our Constitution and its First Amendment. Unfortunately, that First Amendment

is being misused by intolerant people who claim that it should suppress religious expression rather than to protect it. That effort begins with their efforts to get you as reporters to claim that the issue is “separation of church and state,” as though those words appear in the Constitution. They don’t. In fact, Chief Justice Rehnquist, in an official dissenting opinion, has called upon every judge in America to quit using that term, because, he says, it causes a “mischievous diversion” from the actual words and the actual meaning of our First Amendment. The actual words of the First Amendment are, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”. The second part, protecting the free exercise of religion, is almost forgotten in the rulings we keep seeing.

Unfortunately, when media or judges think that the actual test is “separation of church and state,” then they conclude that the presence of government requires the absence of religion. And because government is so big today, that philosophy pushes religious expression off the stage.

That is why we are filing the Religious Freedom Amendment today. It’s not enough to say we disapprove with decades of bad Supreme Court rulings; it’s not enough to praise the eloquence of the strong dissents written

by justices who correctly interpret the Constitution. It is necessary for Congress to do something that will reverse those bad rulings. Our proposed Constitutional Amendment will do so, in 58 simple words that echo the balance of the First Amendment—protecting religious freedom while preventing any official state religion. These are the words:

"To secure the people's right to acknowledge God according to the dictates of conscience:

--The people retain the right to pray and to recognize their religious beliefs, heritage, and traditions on public property, including schools.

--The United States and the States shall not establish any official religion nor require any person to join in prayer or religious activity."

What will this amendment accomplish?

First and foremost, it will preserve the original balance of the First Amendment, protecting religious expression by Americans while preventing the establishment of any official religion. That is why the Religious Freedom Amendment reiterates the restrictions on government as well as stating the people's freedoms to observe their religion on public property. This is the same philosophy we follow with free speech--a freedom often used by protestors on public property.

This Amendment will protect displays of the Ten Commandments, in Kentucky as well as in Texas. It will protect the words “under God” in the Pledge of Allegiance. It will protect the ability for schoolchildren to pray at school, individually or together. It will protect our national motto of “in God we trust”. It will protect the references to God that are already found in the state Constitutions of every state, and on many public buildings. It will protect against the new lawsuits popping up that seek to censor school singings of songs like “God Bless America,” “America the Beautiful,” and even the closing verse of the national anthem, “The Star-Spangled Banner,” because they all have lyrics that refer to God.

And this will protect public officials who today face an onslaught of expensive litigation unless they remove the Ten Commandments from public property.

When judges overstep their boundaries, as they have here, we have only two lawful options: Either impeach the judges or amend the Constitution to reverse their rulings. Only a constitutional amendment will undo these bad precedents and guarantee that all courts must change course in the future.

The courts are using the First Amendment to attack religion, when they should be using it to protect religion.

The proper standard is the one applied by the U.S. Supreme Court in 1948 involving the Pledge of Allegiance. They ruled that no child can be compelled to say it, but their opposition to it does not give them the right to silence their classmates who do wish to say it. That is the standard that should be applied to religious expression on public property, and the standard that the Religious Freedom Amendment follows. Abstain if you wish, but don't try to censor everyone else. It's a lesson in tolerance that we all need to learn.

Again, thank you for coming, and may God bless America. Now I would like our other guests to introduce themselves and to speak.